

REMARKS

Applicants thanks Mr. Amene Setegne Bayou for his courtesies extended to applicants' representative during the Telephonic Interview conducted on May 20, 2010, and for his assistance in furthering prosecution on the merits of the instant application. During the Telephonic Interview, the rejection of claims 1 and 21 in view of the cited art were discussed. An agreement was reached that the cited art failed to teach or suggest a "first retaining means that is connected to an annular ring, where the first vertical arm is connected to the annular ring". No agreement with respect to patentability of the claims was reached. The following amendments and remarks take into account the content of the Telephonic Interview.

Claims 1 and 3-13 and 15-22 are currently pending, with claims 1 and 21 being the only independent claims. Independent claims 1, 4, 5, 7, 21 and 22 have been amended. Support for the amendments to independent claims 1 and 21, may be found, for example, in Figs. 1-3 and at pg. 5, lines 18-19 of the specification as originally filed. No new matter has been added. Reconsideration of the above-identified application, in view of the following amendments and remarks, is respectfully requested.

Rejection of Claims under 35 U.S.C. §112, 2nd Paragraph

Claims 7 and 22 stand rejected under 35 U.S.C. §112, second paragraph, as indefinite for failure to particularly point out and claim the subject matter which applicants regard as the invention. In response to this rejection, applicants have amended dependent claims 7 and 22 in self-explanatory manner. Withdrawal of this rejection is in therefore deemed to be in order.

Rejection of Claims under 35 U.S.C. §102 and §103

Claims 1, 3-8, 11-13, 15, 16, 18, 20, 21 and 22 stand rejected under 35 U.S.C. §102(b) as anticipated by WO 02/40302, which corresponds to U.S. Patent No. 7,252,075 ("*Firtion*"). Claims 1, 3, 4 and 6-13, 15-19, 21 and 22 stand rejected under 35 U.S.C. §103(a) as unpatentable over U.S. Patent No. 4,694,857 ("*Harris*"). Claim 5 stand rejected under 35 U.S.C. §103(a) as unpatentable over *Firtion* in view of DE 1 9534 411 ("*Frank*").

Claim 20 stand rejected under 35 U.S.C. §103(a) as unpatentable over *Firtion* in view of U.S. Patent No. 4,790,185 ("*Fedelem*"). (Applicant notes the Examiner indicated claim 20 is rejected based on the combination of *Harris* and *Fedelem*. However, it is believed it was the Examiner's intention to rejection claim 20 based on the combination of *Firtion* and *Fedelem*). For the following reasons, reconsideration and withdrawal of these rejections are respectfully requested.

Independent claim 1 has been amended to recite, *inter alia*, "wherein the arms of the damping device include an annular element connected to the first retaining means, at least one first vertical arm connected to the first annular ring, the at least one first vertical arm extending substantially in a vertical direction and first and second horizontal arms extending substantially horizontally and angled away from the first vertical arm, the first and second horizontal arms being spaced apart in the vertical direction, and at least one of the first and the second horizontal arms is designed as another annular element, wherein a second vertical arm connects the first horizontal arm and the second horizontal arm of the damping device, and wherein only the second horizontal arm of the arms of the damping device is directly connected to the second retaining means". Independent claim 21 has been correspondingly amended. Support for the amendments, may be found, for example, in Figs. 1-3 and at pg. 5, lines 18-19 of the specification as originally filed. The cited art fails to teach or suggest these features.

Firtion relates to a fuel reservoir (1) comprising a lower half-shell and (2) an upper half-shell (not shown) assembled one against the other at the periphery (see col. 5, lines 39-41). According to *Firtion*, “[t]he lower half-shell” (2) defines the bottom wall (3) of the reservoir and supports various elements of the fuel supply system of the motor vehicle” (see col. 5, lines 42-44). There is no teaching or suggestion in *Firtion* of the plurality of annular elements as recited in now amended independent claim 1 and correspondingly recited in now amended independent claim 21. That is, *Firtion* fails to teach or suggest “the arms of the damping device include an annular element connected to the first retaining means, at least one first vertical arm connected to the first annular ring, the at least one first vertical arm extending substantially in a vertical direction and first and second horizontal arms extending substantially horizontally and angled away from the first vertical arm” and “at least one of the first and the second horizontal arms is designed as another annular element”.

Harris likewise fails to teach or suggest the expressly recited subject matter of now amended independent claims 1 and 21. *Harris* discloses a fuel sender unit for delivering fuel from a fuel tank including a top mounting plate 12. Upper and lower pump support frames 34, 36 suspend a fuel pump 32 (see col. 4, lines 55-57 of *Harris*). The upper pump support frame 34 includes a central shaft 60 from which fins 62 extend outwardly (col. 4, lines 59-63). The lower support frame 36 includes legs 88 which are interconnected with the fins 623 and a pump carrier dish 84 on which the fuel pump 32 is supported (col. 5, lines 34 -39). A noise insulating gasket is arranged between the dish 84 and the fuel pump 32 (col. 5, lines 39-42). However, *Harris* fails to teach or suggest the plurality of annular elements, i.e., “the arms of the damping device include an annular element connected to the first retaining means, at least one first vertical arm connected to the first annular ring, the at least one first vertical arm extending substantially in a vertical direction and first and second horizontal arms extending substantially horizontally and angled

away from the first vertical arm” and “at least one of the first and the second horizontal arms is designed as another annular element”, as recited in now amended independent claim 1 and correspondingly recited in now amended independent claim 21.

Frank discloses a fuel pump mounting for accommodating a fuel feed pump unit in fuel tank. According to *Frank* a tank flange 13 can be mounted in an opening in a fuel tank. Struts 24', 24", and 24''' extend from the tank flange 13 at one end to a ring portion 26 at the other end. A receptacle 14 holding the fuel pump/motor unit 12 is arranged within the ring portion 26. Receptacle 14 is connected to the ring portion 26 by s-shaped elements 27 which allow some movement of the receptacle 14 relative to the ring.

Feledem relates to “a support that maintains the fuel sender in a fixed position relative to the tank and which permits displacement of the sender and support when the tank has been deformed” (see col. 1 lines 8-11). According to *Feledem*, “a mounting assembly 10 ... [supports] ... a fuel sender 12 in a fixed position within the fuel tank 14. The fuel tank 14 includes a top wall 16 and a bottom wall 18 as well as enclosing side walls” (see col. 3, lines 21-24).

Frank and *Feledem* fail to teach or suggest the plurality of annular elements as arranged and claimed in now amended independent claim 1 and 21. That is, *Frank* and *Feledem* fails to teach or suggest “the arms of the damping device include an annular element connected to the first retaining means, at least one first vertical arm connected to the first annular ring, the at least one first vertical arm extending substantially in a vertical direction and first and second horizontal arms extending substantially horizontally and angled away from the first vertical arm” and “at least one of the first and the second horizontal arms is designed as another annular element”, as recited in now amended independent claim 1 and correspondingly recited in now amended independent claim 21.

In view of the foregoing, now amended independent claims 1 and 21 are patentable over any combination of *Firtion*, *Harris*, *Frank* and/or *Feledem*. Reconsideration and withdrawal of all the rejections under 35 U.S.C. §103(a) are requested, and early notice to that effect is earnestly solicited.

In view of the patentability of independent claims 1 and 21, dependent claims 3-13, 15-20 and 22 are also patentable over the prior art for the reasons set forth above, as well as for the additional recitations contained therein.

Based on the foregoing remarks, this application is in condition for allowance. Early passage of this case to issue is respectfully requested.

Should the Examiner have any comments, questions, suggestions, or objections, the Examiner is respectfully requested to telephone the undersigned in order to facilitate reaching a resolution of any outstanding issues.

It is believed that no fees or charges are required at this time in connection with the present application. However, if any fees or charges are required at this time, they may be charged to our Patent and Trademark Office Deposit Account No. 03-2412.

Respectfully submitted,
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